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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,575	08/27/2001	Keigo Ihara	213074US6	1729

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EXAMINER

REFAI, RAMSEY

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/938,575	<b>Applicant(s)</b> IHARA ET AL.	
	<b>Examiner</b> Ramsey Refai	<b>Art Unit</b> 2154	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

Responsive to amendment received on February 7, 2005. Claims 1-3 and 5 were amended. Claims 1-6 are pending examination.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Kusaba et al (U.S. Patent No. 6,510,556).

1. As per claim 1, Kusaba et al teach a content distribution method for making a reservation to a reservation control apparatus for the use of a distribution server that receives content sent from a distributor terminal apparatus and distributes the content by streaming to a client terminal

apparatus, sending the content from said distributor terminal apparatus to said distribution server based on the reservation and thereby distributing the content, said content distribution method comprising **(abstract and column 2, lines 1-40):**

sending to said reservation control apparatus, via a first network, a reservation request including a desired service time and a desired channel for distributing content using said distribution server from said distributor terminal apparatus **(column 2, lines 1-32, abstract, and Figure 2);**

determining an access server information for accessing the desired channel via a second network which is different from the first network when the reservation request is accepted **(column 2, lines 1-39, abstract, and Figure 2);**

transmitting, via a first network from the reservation control apparatus to the distributor terminal apparatus reservation setting information including a communication/connection information for the distributor terminal apparatus to establish a communication with the distribution server via said second network and distribute the content **(column 2, lines 1-39, abstract, and Figure 2);**

transmitting the content from the distributor terminal apparatus to the distribution server using the desired channel via said second network based on the communication/connection information and the access server information **(column 2, lines 1-39, abstract, and Figure 2).**

2. As per claim 2, Kusaba et al teach a storing step of writing and storing said communication/connection information included in said reservation setting information sent

from said reservation control apparatus, in a predetermined storage area of said distributor terminal apparatus (**column 2, lines 9-18**); and

a communication establishing step,

reading said communication/connection information stored in said predetermined storage area (**column 5, lines 59-67 and column 2, lines 9-18**); and

establishing a communication/connection with said distribution server based on the communication/connection information via said second network, wherein content is sent to said distribution server via said second network in said content transmitting step after the communication/connection is established in said communication establishing step (**column 5, line 59-column 6, line 28**).

3. As per claim 3, Kusaba et al teach said reservation request includes said communication/connection information for each of a plurality of carriers (**column 5, line 59-column 6, line 28**), and said communication establishing step reads said communication/connection information corresponding to a carrier preset by a user of said distributor terminal apparatus out of said communication/connection information to establish a communication/connection with said distribution server based on the read communication/connection information via said second network (**column 2, lines 9-39 and column 5, line 59-column 6, line 28**) .

4. As per claim 4, Kusaba et al teach said first network is the Internet; and said second network is a dedicated network to transmit content to said distribution server (**Figure 2**).

5. As per claim 5, Kusaba et al teach a content supply system composed of a distribution server that receives content sent from a distributor terminal apparatus and distributes the content by streaming to a client terminal apparatus and a reservation control apparatus that controls reservations of live distribution of content using said distribution server, said content supply system comprising **(abstract and column 2, lines 1-40):**

an access server that controls access to the content via the second network **(column 2, lines 1-10):**

a first network that connects said distributor terminal apparatus and said reservation control apparatus and is used to send/receive data about the reservation between said distributor terminal apparatus and said reservation control apparatus **(Figure 2);** and

a second network that connects said distributor terminal apparatus and said distribution server and is used to send content from said distributor terminal apparatus to said distribution server **(Figure 2, element 13);** wherein

the reservation control apparatus schedules live distribution of content for a selected channel and a selected time **(column 2, lines 8-19);**

the access server determines whether an access server information for accessing the desired channel is accepted **(column 2, lines 19-39).**

6. As per claim 6, Kusaba et al teach said first network is the Internet; and said second network is a dedicated network to send content to said distribution server **(Figure 2).**

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Notomi (U.S. Patent No. 6,845,229)
- b. Ogdon et al (U.S. Patent No. 6,598,075)
- c. Peterson et al (U.S. Publication No. 2001/0003828)
- d. Peterson et al (U.S. Patent No. 6,594,682)
- e. Aggarwal et al (U.S. Patent No. 6,477,180)
- f. Wright et al (U.S. Patent No. 6,442,598)
- g. Burns et al (U.S. Patent No. 6,324,182).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramsey Refai  
Examiner  
Art Unit 2154

RR  
March 15, 2005

  
JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100